



110/02847 (old 110/01309)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11
8

in regard to the application of: Assaf DEKEL

Serial No : 10/031,450

Group Art Unit: 3732

Filed : August 6, 2002

Examiner: Unknown

For : Method and Apparatus for Spinal Procedures

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

RECEIVED

JAN 03 2003

TECHNOLOGY CENTER R3700

Sir:

Applicant respectfully directs the attention of the Examiner to art cited with respect to PCT/IL00/00458 of which the current application is a U.S. national application under 35 U.S.C. §371.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, MPEP 1893.03(e) and MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is Form PTO-1449 listing the cited art. Also attached are copies¹ of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent. Applicant wishes to point out that items 1, 3 and 5-7 were cited on the PCT International Search Report. Copies of these items are not attached as they are available in the national stage file.

Since items 6 and 7 (German Patents Nos. DE 32 09 403 and DE 40 36 804 respectively) are in a foreign language, US equivalents are unknown to the applicant and

¹ To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.


therefore not provided. Applicant attaches copies of an English language abstract to their references.

In accordance with MPEP Section 609 it is requested that each document cited (including any mentioned in Applicant's specification which is not repeated on the attached PTO-1449 form) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,
Assaf DEKEL



Maier FENSTER,
Registration No. 41,016

November 27, 2002
William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

DEC 09 2002

Docket Number (Optional)

110/02847 (old 110/01309)

Application Number

10/031,450

Applicant(s)

Assaf DEKEL

Filing Date

August 6, 2002

Group Art Unit

3732

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	5,628,678	13 May '97	TRIDICO, F.			
	2	5,722,977	3 Mar '98	WILHELMY, J. K.			
	3	5,725,530	10 Mar '98	POPKEN, J. A.			
	4	5,792,044	11 Aug '98	FOLEY, K. T.			
	5	5,879,353	9 Mar '99	TERRY, G. C.			

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	+ Translation	
						YES	NO
6	DE 32 09 403	22 Sep '83	GERMANY			✓	
7	DE 40 36 804	21 May '92	GERMANY			✓	
8	WO 97/09940	20 Mar '97	PCT				
9	WO 98/29047	9 July '98	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pending Pages, Etc.)

RECEIVED

JAN 03 2003

TECHNOLOGY CENTER R3700

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.

110/02847 (old 110/01309)

In Re Application Of: **Assaf DEKEL**

Serial No.

10/031,450

Filing Date

August 6, 2002

Examiner

Unknown

Group Art Unit

3732

Title: **METHOD AND APPARATUS FOR SPINAL PROCEDURES**

Address to:

Assistant Commissioner for Patents
Washington, D.C. 20231**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);**OR**☐ the fee set forth in 37 CFR 1.17(p).**RECEIVED**

JAN 03 2003

TECHNOLOGY CENTER R3700

RECEIVED

FEB 27 2003

TECHNOLOGY CENTER R3700